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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK AS TRUSTEE  
FOR THE CERTIFICATE HOLDERS CWALT,  
INC. ALTERNATIVE LOAN TRUST 2005-  
3CB MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-3CB

Case No.: 3:16-cv-00436-RCJ-WGC

Plaintiff,

V.

HIGHLAND RANCH HOMEOWNERS  
ASSOCIATION; KERN & ASSOCIATES,  
LTD.; TBR I, LLC; AIRMOTIVE  
INVESTMENTS LLC; DOE INDIVIDUALS I-  
X, inclusive, and ROE CORPORATIONS I-X,  
inclusive.

**STIPULATION AND ORDER TO  
EXTEND DEADLINE FOR  
DEFENDANT GAYLE A. KERN,  
LTD., dba KERN & ASSOCIATES,  
LTD., TO ANSWER OR  
OTHERWISE RESPOND TO  
PLAINTIFF'S COMPLAINT**

**(First Request)**

## Defendants.

**IT IS HEREBY STIPULATED** between Plaintiff, The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificate Holders CWALT, Inc. Alternative Loan Trust 2005-3CB Mortgage Pass-Through Certificates, Series 2005-3CB (“BNY”), by and through its attorneys of record, Akerman, LLP, and Defendant, Gayle A. Kern, Ltd., dba Kern & Associates, Ltd. (“Kern”), by and through its counsel Leach Kern Gruchow Anderson Song

1 to extend the deadline for Kern to answer or otherwise responds to BNY's Complaint from  
2 September 20, 2019 up to and including November 5, 2019.

3 This matter was remanded to this Court by the Ninth Circuit Court of Appeals for  
4 further proceedings on July 19, 2019 (*see* DE 67). A Status Conference was held before this  
5 Court on September 16, 2019 at 10:00 a.m., wherein the Court set the date of September 20,  
6 2019 for Highland Ranch Homeowners Association and Kern to respond to BNY's Complaint.  
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8 BNY and Kern (collectively, the "Parties") hereby stipulate to extend the date for Kern  
9 to file an answer or otherwise respond to BNY's Complaint up-to-and-including November 5,  
10 2019. Good cause exists for this requested extension to allow the Parties to conduct scheduled  
11 discovery during the month of October, further evaluate the issues on remand, and discuss  
12 narrowing issues and/or potential dismissal of claims without expenditure of additional time,  
13 resources, and expense of the Parties, and potentially the Court. It is respectfully requested,  
14 therefore, that the Court approve this Stipulation and extend the date to November 5, 2019 for  
15 Kern to answer or otherwise respond to BNY's Complaint.  
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17 This is the first request for an extension of time, upon remand, for Kern to file its answer  
18 or otherwise to respond to BNY's Complaint, and it is not intended to cause any delay or  
19 prejudice to any party.

20 DATED this 19<sup>th</sup> day of September, 2019.

21 **LEACH KERN GRUCHOW  
ANDERSON SONG**

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24 */s/ Karen M. Ayarbe, Esq.*  
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28 Tel: (775) 324-5930  
Attorneys for Kern & Associates, Ltd.

DATED this 19<sup>th</sup> day of September, 2019.

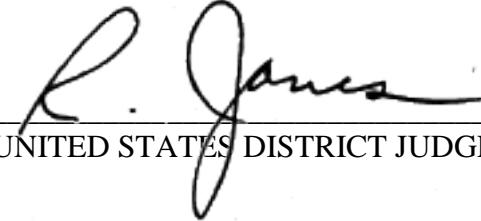
21 **AKERMAN, LLP**

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23  
24 */s/ Darren T. Brenner, Esq.*  
25 DARREN T. BRENNER, ESQ.  
26 Nevada Bar No. 8386  
27 1635 Village Center Circle, Ste. 200  
Las Vegas, NV 89134  
Tel: (702) 634-5000  
28 Attorneys for Plaintiff

1 **ORDER**  
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4 ***IT IS SO ORDERED.***  
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7 DATED this 20th day of September, 2019.  
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11 UNITED STATES DISTRICT JUDGE  
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***Respectfully Submitted By:***

/s/ Karen M. Ayarbe, Esq.

KAREN M. AYARBE, ESQ.